



Board of Adjustment Staff Report

TO: BOARD OF ADJUSTMENT

FROM: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

THROUGH: LINDA EDWARDS, AICP, PLANNING MANAGER *LE*
(480) 503-6750, LINDA.EDWARDS@GILBERTAZ.GOV

MEETING DATE: AUGUST 6, 2014

SUBJECT: AP14-01 (HILL STABLES) APPEAL OF THE ZONING
ADMINISTRATOR'S ZONING INTERPRETATION REGARDING THE
LOCATION AND USE OF A STABLE ON PROPERTY LOCATED AT
2604 E. WASHINGTON AVENUE AND ZONED SINGLE FAMILY-43
(SF-43) ZONING DISTRICT.

STRATEGIC INITIATIVE:	N/A
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RECOMMENDED MOTION

- A. Move to uphold the decision of the Zoning Administrator concluding that a "Stable, Commercial" is not a permitted use on the subject property;
- B. Move to uphold the decision of the Zoning Administrator concluding that the location of the shade (accessory) structures do not comply with code; and
- C. Move to overturn the decision of the Zoning Administrator that interprets the location of the fenced corral area used to house animals as not in compliance with code and instead find them to be allowed under the Land Development Code (LDC), or alternatively, to be legal, non-conforming uses.

APPLICANT/OWNER

Name Timothy La Sota
Company Tiffany & Bosco, P.A.
Address Camelback Esplanade II Third Fl
2525 E. Camelback Road
Phoenix, AZ 85016-9240
Phone (602) 452-2712
Email tal@tblaw.com

Name Jane Hill
Address 2604 E. Washington Ave.
Gilbert, AZ 85234
Phone (602) 558-4407
Email hwfs@aol.com

BACKGROUND/DISCUSSION

History

Date	Action
<i>May 9, 2006</i>	Town Council annexed 42.86 acres of Gilbert Country Acres, including the 1.03 acre subject site per Ordinance No. 1741 (Case A06-08).
<i>June 20, 2006</i>	Town Council approved Case Z06-09, rezoning 42.86 acres from Maricopa County R-43 to Town of Gilbert Single Family-43 (SF-43) per Ordinance No. 1778.
<i>June 4, 2014</i>	Planning Commission passed a motion to continue the item to the July 2, 2014 public hearing.
<i>July 2, 2014</i>	Planning Commission passed a motion to continue the item to the August 6, 2014 public hearing.

Overview

The request is an appeal of the Zoning Administrator's interpretation regarding the location and use of a stable on property situated at 2604 E. Washington Avenue, Gilbert, Arizona. (See Attachment 2, Appeal Application).

The 1.03 acre subject property is zoned Single-Family 43 (SF-43), and consists of a home, fenced corrals and accessory structures used to house animals (stable, shade structure). The principal use of the property is a single family residence. The home, fenced corrals and the accessory structures were constructed on the property before annexation from the County in May of 2006. Upon annexation, the Maricopa County Rural-43 zoned property was assigned comparable Town of Gilbert zoning of SF-43.

The property abuts similar Single Family-43 (SF-43) 1-acre plus lots on the north and east sides. Greenfield Elementary School is located west of the subject site. The stable, corral and shade structures are located near the northeast corner of the site. From the corral area, neighboring SF-43 residences are located between approximately 60 and 110 feet toward the north and east. The subject site has access from a circular driveway on Washington Avenue and a second driveway on Poinciana Road.

In the Spring of 2013, Code Compliance responded to a complaint about horse boarding and commercial business on the property (see Attachment 3, photo). After meetings with the property owner, a formal request for a Zoning Interpretation was submitted on March 19, 2014, and the Zoning Administrator issued a Zoning Interpretation on April 9, 2014 (see Attachment 4, Zoning Interpretation).

Appeal Discussion and Analysis

In response to the appeal request, Staff located various aerial photography of the subject site dating from 2006 through 2013 and available on the Maricopa County website (See Attachment 5, Historic Aerial Photos). It appears that the accessory structures, shading and fenced corral areas used to house animals have existed on the subject site since before annexation to the Town in May 2006.

In addition to the code sections and relevant facts listed in the April 9, 2014 Zoning Interpretation, staff reviewed the Maricopa County Zoning Ordinance and found references to “one single-family dwelling” and “corrals for the keeping of horses” as permitted uses under Maricopa Rural-43 zoning. Commercial/public stables and boarding were found to require a special use permit, which is comparable with requirements of the Town of Gilbert.

A shade structure would be considered an accessory structure under both the County and Town codes. A fence, without more, is not, however, an accessory structure per the Town’s Glossary of Terms.

As accessory structures, shade structures are subject to minimum setbacks, which have become more flexible in the County since the 2006 annexation. Under County provisions today, the side and rear yard setbacks for accessory structures is 3 feet, but that is a result of an October 19, 2011 amendment (TA2010010) designed to allow flexibility and alleviate numerous variance requests. (See Attachment 6, minutes and an excerpt from the 2006 Maricopa County Code). At the time of annexation in 2006, County code allowed accessory structures no closer than 3’ to the property line and only within the rear yard setback.

Staff has concluded that the two accessory shade structures are located zero feet from the eastern property line in the side yard, and were not legal at the time of annexation. Because they are not located in the rear yard setback, they would have been required to be placed at least 30 feet from the side property line. The appellant has not provided a building permit, variance or other evidence to the contrary because the structures appear to have been pre-existing at the time she acquired the property. Therefore, the shade (accessory) structures are not legal, non-conforming structures.

In addition, the Town’s Land Development Code (LDC) explicitly states that fences are not “accessory” structures. The LDC does not prohibit the fencing in of animals against residential property lines. Therefore, to the extent a corral does not amount to an accessory structure or stable, Town staff takes the position that they are not subject to side yard setbacks.

Moreover, at the time of annexation, County Code permitted horses to be corralled or penned in the existing areas on the subject site and fencing was allowed at the property line. Although

some additional fencing/pens inside of the corral area appear to have been added; that installation would not be viewed as expanding the corral use. Therefore, alternatively, staff concludes that the use of the fenced corral areas to confine or pen animals was a legal, non-conforming use at the time of annexation.

In both the request for a zoning interpretation and the appeal, the property owner's attorney has focused his analysis on what constitutes a "commercial" stable (See Attachment 2, Appeal Application). The property owner contends that the common, everyday meaning of "commercial" is a profit-making venture. The property owner describes the boarding activity on the property as occasional boarding of horses for friends who pay only the costs associated with boarding the animals. Ms. Hill indicates that she does not make money from her stables and is not operating a business. However, Code Compliance did observe signs advertising commercial activity at the site.

Under the Town of Gilbert LDC, the subject property does not contain the necessary lot size or the required use permit to allow a "Stable, Commercial." Maricopa County Planning staff has also confirmed that up until 2009, prior Maricopa County Rural-43 zoning would only have permitted the boarding of horses (not owned by the property owner) with an approved special use permit. There is no record of a use permit being issued by Maricopa County.

Consequently, staff would refer to the LDC provisions for a "Stable, Non-Commercial" (Residential), which is only permitted in the SF-43 zone "as a use incidental to the principal use of the property." A "Stable, Residential" is, by definition "a detached accessory structure for the keeping of horses, mules, and ponies owned by the occupants of the premises and not for compensation." See Land Development Code (LDC) Article 6.1 Use Definitions. Therefore, staff concludes that the existing fenced corral areas and stable building used to house animals on the subject property may not be used to board horses for others, regardless of whether compensation is provided.

At present, two animals have been observed on the site. The maximum large livestock animals permitted on the 1.03 acre lot is four; if a combination of large and small livestock animals are kept on the lot, three large livestock animals and three small livestock animals are permitted. See LDC Section 2.107.A.2.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

Staff has received comment from residents in Gilbert Country Acres, who are concerned about the "over-application" of the code on former County lands that were annexed with their previous uses intact. They are also concerned that newer residents should not choose to live amongst horse properties if they have complaints about horses. Staff also received comments about the negative impacts of the commercial boarding activities, the proximity of horses to neighboring property lines, and illegal structures on the site. (See Attachment 7, Citizen Comments.)

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment:

- A. Move to uphold the decision of the Zoning Administrator concluding that a “Stable, Commercial” is not a permitted use on the subject property; and
- B. Move to uphold the decision of the Zoning Administrator concluding that the location of the shade (accessory) structures do not comply with code; and
- C. Move to overturn the decision of the Zoning Administrator that interprets the location of the fenced corral area used to house animals as not in compliance with code and instead find them to be allowed under the LDC, or alternatively, to be legal, non-conforming uses.

Respectfully submitted,



Catherine Lorbeer, AICP
Principal Planner

Attachments and Enclosures:

- 1. Notice of Public Hearing
- 2. Appeal Application submitted on April 21, 2014
- 3. Code Compliance Photos of Signs
- 4. Zoning Interpretation issued on April 9, 2014
- 5. Historical Aerial Photos
- 6. Board of Supervisor Minutes of October 19, 2011 and excerpt from 2006 County Code.
- 7. Citizen Comments

Notice of Public Hearing

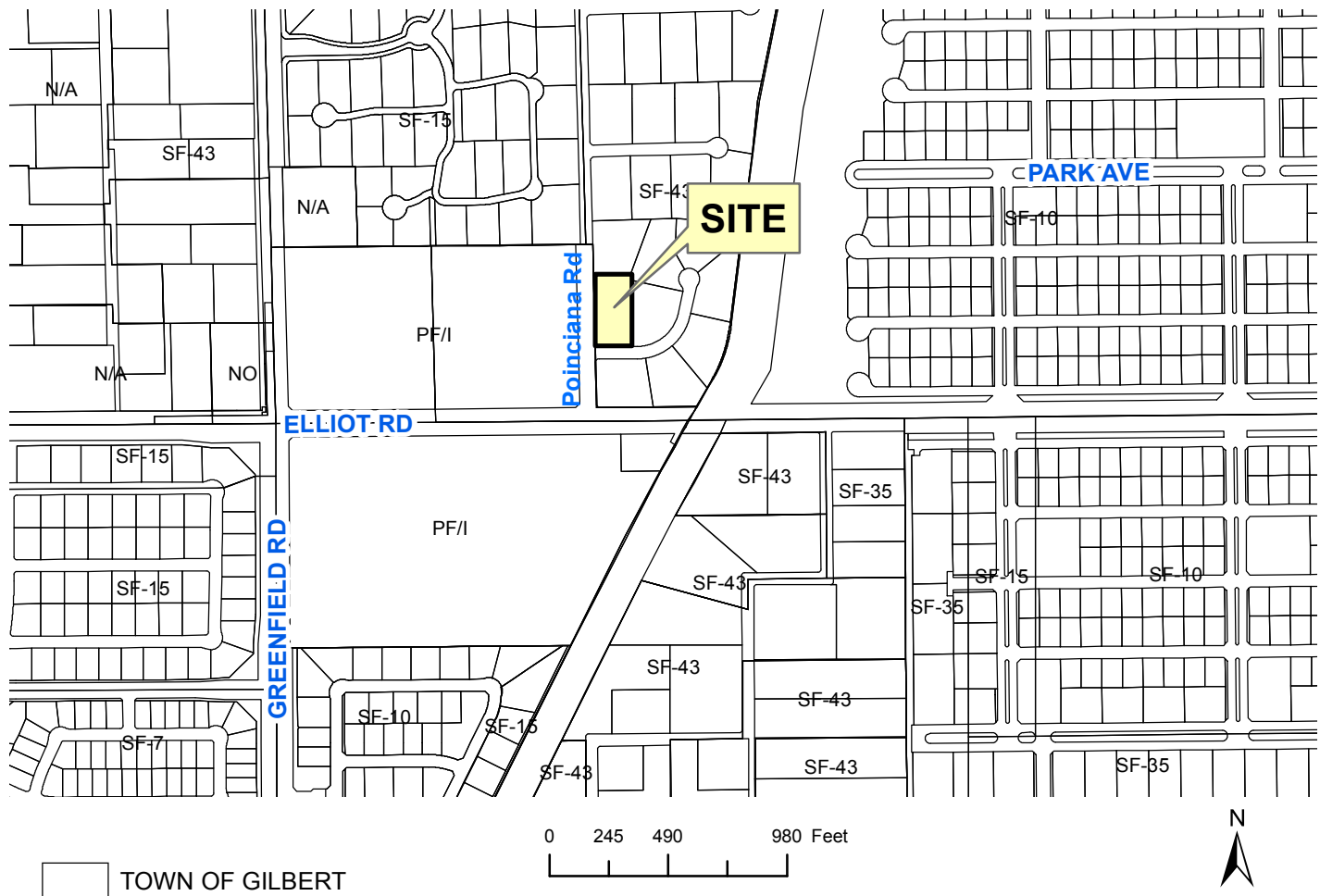
BOARD OF ADJUSTMENT DATE:**Wednesday, June 4, 2014* TIME: 6:00 PM****LOCATION: Gilbert Municipal Center
50 E. Civic Center Drive
Gilbert, Arizona 85296**

* Call Planning Department to verify date and time: (480) 503-6700

REQUESTED ACTION:

AP14-01: Appeal to the Town of Gilbert Board of Adjustment from the Town of Gilbert Zoning Administrator's zoning interpretation regarding the location and use of a stable on property located at 2604 E. Washington Avenue, Gilbert, Arizona. The property is zoned Single-Family-43 (SF-43) zoning district. The Board of Adjustment may uphold, modify, or overrule the decision of the Zoning Administrator.

* The application is available for public review at the Town of Gilbert Development Services division M-Th-7:00-6:00.



APPLICANT: Tiffany & Bosco, P.A.
CONTACT: Timothy A. La Sota
ADDRESS: 2525 East Camelback Road, Third Floor
 Phoenix, AZ 85016

TELEPHONE: 602-452-2712
FAX: 602-255-0103
EMAIL: tal@tblaw.com

AP14-01

Attachment 2: Appeal Application submitted on April 21, 2014

August 6, 2014



RECEIVED APPEAL

1111

APR 21 2014 APPLICATION

TOWN OF GILBERT
CUSTOMER SERVICE CENTER

Received By:

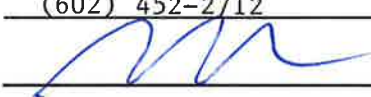
Project Name: JANE HILL PROPERTY

Address or Location: 2604 East Washington Avenue, Gilbert, AZ

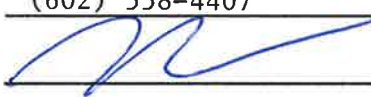
Grounds upon which the appeal is based (may attach separate sheet):

PLEASE SEE ATTACHED CORRESPONDENCE AND AERIAL PHOTO

Applicant/Contact: (Please print - all info must be provided)

Company: Tiffany & Bosco, P.A.
 Contact Name: Timothy A. La Sota E-mail: tal@tblaw.com
 Address: 2525 East Camelback Road, Third Floor
 City, Zip: Phoenix, AZ 85016
 Phone: (602) 452-2712 Fax: (602) 255-0103
 Signature:  Date: April 21, 2014

Owner: (Please print - all info must be provided)

Contact Name: Jane Hill E-mail: hwfs@aol.com
 Address: 2604 East Washington Avenue
 City, Zip: Gilbert, AZ
 Phone: (602) 558-4407 Fax:
 Signature:  Date: April 21, 2014

FOR STAFF USE ONLY	
Submittal Date	4/21/14
Case Number	AP14-01
Fee Paid	305.00
EDEN Permit Number	PAP-2014-00001
Receipt Number	PADRP PADRAPP PZAAPP
EDEN Permit Type	

CATHARINE LOANER

16C



**TIFFANY
& BOSCO**
P.A.

TIMOTHY A. LA SOTA
ATTORNEY AT LAW
DIRECT LINE: (602) 452-2712
TAL@TBLAW.COM

April 21, 2014

VIA HAND DELIVERY

Zoning Department
Town of Gilbert
90 East Civic Center Drive
Gilbert, AZ 85296

Re: Jane Hill, 2604 East Washington Avenue, Gilbert, AZ

Dear Sir or Madam:

Please find attached our appeal from the Zoning Interpretation of Zoning Administrator Michael Milillo.

I attach our original letter because it contains the gravamen of what is still our position, and incorporate this into our appeal by reference. Mr. Milillo simply regurgitated code provisions and did not deal with the substantive arguments advanced by Ms. Hill. We believe that the legal points we make in the letter remain valid, and urge these grounds in our appeal.

In addition, I have attached an aerial photograph of Ms. Hill's property taken in 1992. Ms. Hill's property has been configured and utilized in the same fashion as it is now for decades, as this photo attests to. I believe it is important for the Town to adhere to the promises it makes to residents who are annexed into the Town of Gilbert. So far, with the regulatory steps taken, it is clear the Town is not living up to its commitment. There was never a problem when it was in unincorporated Maricopa County, and residents can hardly be blamed for believing that things would continue as they were since that is what the Town told them.

Sincerely,

TIFFANY & BOSCO, P.A.

Timothy A. La Sota

TAL/jjw
Attachments

4110243





**TIFFANY
& BOSCO**
P.A.

TIMOTHY A. LA SOTA
ATTORNEY AT LAW
DIRECT LINE: (602) 452-2712
TAL@TBLAW.COM

March 19, 2014

VIA FIRST CLASS MAIL

Mr. Michael Milillo
Zoning Administrator
Town of Gilbert
90 East Civic Center Drive
Gilbert, AZ 85296

Re: Jane Hill, 2604 East Washington Avenue, Gilbert, AZ

Dear Mr. Milillo:

As you know, this firm represents Jane Hill, who resides in the Town of Gilbert at 2604 East Washington Avenue.

I write you today to formally request a zoning interpretation. At issue is what constitutes a "commercial" stable. As you know, the Gilbert Zoning Code requires a minimum of ten acres in order to operate a commercial stable. Gilbert Zoning Code § 2.107(B).

The facts in our case are as follows. Ms. Hill occasionally boards horses for friends. When she does this, the owner of the horse does pick up the costs of certain expenses such as horse feed. However, whatever costs are picked up by the owner of the horse are exactly that—costs associated with boarding an animal. The payment of expenses is intended to cover the costs associated with boarding the animal—Ms. Hill does not make money from her stables, and there is no "profit" to her from boarding horses. In short, she does this out of friendship and because she likes having horses around, not as a commercial endeavor.

I found no definition of the term "commercial" in the Gilbert Zoning Code. In the absence of such a special definition, you should follow the rule of construction and apply the plain and ordinary meaning to the term "commercial." *State v. Korzep*, 165 Ariz. 490, 493, 799 P.2d 831, 834 (1990). And under the common definition of the term, it is clear that commercial means profit making.

Merriam Webster gives the following meanings to the adjective commercial:

- related to or used in the buying and selling of goods and services
- concerned with earning money
- relating to or based on the amount of profit that something earns



TIFFANY
& BOSCO
P.A.

Mr. Michael Milillo
City of Gilbert
March 19, 2014
Page -2-

<http://www.merriam-webster.com/dictionary/commercial>

This definition of commercial proves our point. There is no profit or earning of money in this instance. In addition, there is no real sale of a good or service simply because there is no "sale" of anything here.

Clearly the common, everyday meaning of "commercial" is a profit making venture. This interpretation is supported by the definition above and also by *Primary Consultants, L.L.C. v. Maricopa County Recorder* 210 Ariz. 393, 111 P.3d 435, (App. 2005). In that case, the court interpreted the phrase "commercial purpose" as is found in the Arizona Public Records Law. The Court concluded that the use of public records in a for-profit capacity met the definition of commercial as it is generally understood, it did not meet the special statutory definition under Arizona law.

To illustrate the point further, let's take the example of a person who stays at a friend or relatives' home for a period of time. Though the person might purchase groceries to help defray the costs of that person staying at the house, that does not mean that the homeowner is running a hotel or a for profit business.

Conclusion

I hope you will agree with me that Ms. Hill's actions of allowing friends to use her stables, one or two horses at a time, does not mean that Ms. Hill is running a "commercial" stable under the circumstances.

Sincerely,

TIFFANY & BOSCO, P.A.

A handwritten signature in dark ink, appearing to read 'Timothy A. La Sota', written in a cursive style.

Timothy A. La Sota

TAL/jjw

2386695

8-22-13

AP14-01

Attachment 3: Code Compliance Photos of Signs
August 6, 2014



HORSE RIDING 
LESSON ^OR LEASE 
 **602-615-4123**
FACEBOOK.COM /
YOUNG GUNSTABLES



April 9, 2014

Mr. Timothy A. La Sota
Tiffany & Bosco, P.A.
Camelback Esplanade II, Third Floor
2525 East Camelback Road
Phoenix, Arizona 85016-9240

**Re: Zoning Interpretation - Use of Stable located at 2604 E. Washington Avenue,
Gilbert, Arizona**

Dear Mr. La Sota:

We received your letter and fee payment submitted to the Development Services Department on March 26, 2014, requesting a formal zoning interpretation in regard to the location and use of a stable on property situated at 2604 E. Washington Avenue, Gilbert, Arizona. This property is zoned Single-Family 43 (SF-43).

In response to your request, we have reviewed the extensive investigation materials collected by our Code Compliance division, including observations, photographs, aerial maps and county records. In addition, we've reviewed the Land Development Code (LDC) land use regulations for the Single-Family Residential zoning districts.

Facts:

- 1) The subject property is a 1.03 acre lot on which there is a home and accessory structures used to house animals (stable, corral, shade structure). It appears that the principal use of the subject property at this time is a single family residence.
- 2) The owner's description of the use on the property is that she occasionally boards horses for friends, who pay the costs associated with boarding the animals. Ms. Hill indicates that she does not make money from her stables and is not operating a business.
- 3) The photographs taken by Code Compliance staff and adjacent or nearby neighbors show a fenced corral that is less than 20 feet from the property line. The photographs also show advertising of horse riding lessons.

Relevant LDC Provisions

- 1) The land use classifications shown in the LDC Table 2.103 contain the use “Stables, Commercial.” According to Table 2.103, a “Stable, Commercial” use is only allowed in the SF-43 zone with a use permit. Additionally, pursuant to LDC Section 2.107.B, Commercial Stables may only be located on a minimum lot area of 10 acres and any structure housing animals shall be set back at least 100 feet from all property lines.
- 2) The land use classifications shown in the LDC Table 2.103 contain the use “Stables, Non-Commercial.” A “Stable, Non-Commercial” (Residential) use is only permitted in the SF-43 zone “as a use incidental to the principal use of the property.”
- 3) Pursuant to LDC Section 2.107.D, the accessory structures used to house animals must be located at least 20 feet from all property lines.
- 4) A “Stable, Residential” is, by definition, “a detached accessory structure for the keeping of horses, mules, and ponies owned by the occupants of the premises and not offered for compensation.” See LDC Article 6.1 Use Definitions.
- 5) Pursuant to the Town of Gilbert Municipal Code, Section 6-126 Definitions, horses are considered to be “Large Livestock Animals.”
- 6) The maximum large livestock animals permitted on the 1.03 acre lot is four; if a combination of large and small livestock animals are kept on the lot, three large livestock animals and three small livestock animals are permitted. See LDC Section 2.107.A.2.

Zoning Interpretation:

Based on the information provided by the applicant, the facts listed above, and relevant sections of the Municipal Code and Land Development Code, the Zoning Administrator finds as follows:

- The subject property is a developed single-family residential lot.
- The use of the property for a “Stable, Commercial” is not permitted nor are signs advertising commercial activity.
- The incidental use of the property for a “Stable, Non-Commercial” (Residential) may be permitted; however, the location of the accessory structures and fenced corral area used to house animals do not comply with Code.
- The stable and corral area shall only be used to house animals owned by the occupants of the premises and not offered for compensation.

- The property may have a maximum of four large livestock animals or three large livestock animals and three small livestock animals kept on the property at any given time.

Appeal Process

Please be advised that you may appeal a decision of the Zoning Administrator to the Town's Board of Adjustment within 10 calendar days pursuant to the procedures set forth in Land Development Code Section 5.2011: Procedures for Appeals. The appeal shall be filed with the Planning & Development Services Division on a form established by the Director of Planning. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.

If you have any questions about my determination, please contact the Catherine Lorbeer, Principal Planner at 480-503-6016 or via email at: Catherine.Lorbeer@gilbertaz.gov

Sincerely,



Michael Milillo
Senior Planner/ Zoning Administrator
Planning Services Division

cc: Zoning Administrator Interpretation File
Jack Vincent, Assistant Town Attorney
Kyle Mieras, Development Services Director
Linda Edwards, Planning Services Manager
Adam Adams, Code Compliance Administrator

AP14-01
Attachment 5: Historical Aerial Photos
August 6, 2014

Aerial Photo from Dec.1998 – Oct. 1999

<http://gis.maricopa.gov/MapApp/GIO/AerialHistorical/index.html>



Aerial Photo from Jan. 2006 – Feb. 2006

<http://gis.maricopa.gov/MapApp/GIO/AerialHistorical/index.html>



Aerial Photo from Sept. 2013 – Nov. 2013

<http://gis.maricopa.gov/MapApp/GIO/AerialHistorical/index.html>



Karimy Bryson said a representative from AT&T had spoken to them regarding a cell tower over a year ago. She indicated that in the process two mountains had been leveled and a shopping center built since she moved to the area six years ago. She said she and her husband had not been directly contacted with regard to many of the changes or notified of meetings held and much of what she knew about the dissent in the neighborhood had been related to her by a neighbor. Mrs. Bryson said the conflict over this issue has created frustration and stress for her family.

Supervisor Wilcox stated that she would include someone from Bryson Ranch on the committee that was being formed to resolve these issues.

Garry Hays, AT&T, spoke in favor of this special use permit. He said his company had been working with the neighbors, Supervisor Wilcox and staff and would continue to do so. He added that the design and even the location for this tower has changed several times since the application first was received. In response to Mr. Bryson, he said that AT&T does not build towers to sell them and so far as he knew there was no cause for any concern.

Chairman Kunasek called for the vote to continue this item to November 30, 2011.

Ayes: Kunasek, Brock, Stapley, Wilson, Wilcox

5. **TEXT AMENDMENT - TA2011010 - ACCESSORY STRUCTURES IN REQUIRED SIDE YARDS**

Case Number:	TA2011010
Supervisory District:	All Districts
Applicant:	Commission-Initiated
Location:	County-wide
Request:	Text Amendment to the Maricopa County Zoning Ordinance regarding Accessory Structures in Required Side Yards
Commission Action:	Recommended approval by a vote of 6-0. Chapter 11 – General RegulationsSection 1106. Accessory Buildings and UsesArticle 1106.2
Location:	Detached accessory buildings and structures may be built in the required rear yard and/or the required side yard but such accessory buildings shall not occupy more than 30% of the any required rear yard and shall not be nearer than three feet to any side or rear lot line or setback line. Should the accessory building be located partially within the required rear yard and partially within the buildable area, that portion within the buildable area shall meet all side yard regulations of the applicable zoning district. In the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than one half the depth of the required front yard of the corner lot; and when a garage is entered from an alley, it shall not be located nearer than ten feet to the alley line.Section 1110. Additional Yard and Open Space RegulationsArticle 1110.6 Exceptions: Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:1110.6.1. Accessory building may locate l the required rear yard and/or the required side yard subject to applicable regulations elsewhere in this Ordinance.1110.6.2. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two feet into any required yard, except that in the case of accessory buildings in the required rear yard and/or the required side yard this projection shall not exceed one foot beyond the walls of such accessory buildings.

(C-44-12-030-7-00)

Darren Gerard said that text amendments are originally developed through community consensus. He noted that over time some text amendments fall out of alignment with community values and should be amended. The next seven text amendments are related and he noted that Chairman Kunasek has been involved in updating a number of the P&D Text Amendments that are being referred to as the "2011 Chairman's Initiative." More updates will be brought before the Board in future months. He said that public notice efforts have been made to notify the stakeholders of the changes, adding that most comments received have been positive.

He reported that this amendment includes the side yard, as well as the back yard, for locating accessory structures; treating side yards the same as rear yards with specified set back and overall coverage restrictions. Support for this has been received from the New River-Desert Hills Community Association and Goldfield Concerned Citizens Association.

Supervisor Stapley said he thought this was an important change that would give people more flexible uses of their property. He felt it was a progressive move and one that was long overdue.

Supervisor Wilson asked about height restrictions. Mr. Gerard replied that today in the required rear yard an accessory structure can be set back three feet and have a maximum height of 30 feet in most zoning districts. If this text amendment is approved it could also be placed in the side yard, but it could not be in the front yard.

He noted that the bulk of structures are still controlled by the overall lot coverage of 15% in Rural 43 and of 30% in any required yard. He added the side yard is a development pattern seen throughout the County's jurisdiction and this amendment would "make it right" and eliminate the numerous reports of violation now received..

Randy Haines, Goldfield Concerned Citizens Association, Goldfield Ranch, spoke in support of the text change. Mr. Haines complimented the Planning Department for doing a good job in drafting these amendments and in working with the communities involved to achieve the goals of a more user-friendly zoning code that the public can understand and is more consistent with values of the community. He stressed the importance of having universally applied, understandable zoning ordinances that are routinely enforced.

~ Supervisor Wilcox left the meeting ~

Jeanette Fish, Executive Director, Maricopa County Farm Bureau, noted the importance of enacting laws that allow for the differences in properties, and lauded the flexibility of this text amendment to deal with equal uses for "problem" properties.

Supervisor Wilson stated his reservations regarding privacy if a 30 foot structure could be erected in side yards with a three-foot setback. Chairman Kunasek explained that the expectation is that these would be limited to such things as sun screens and shade structures. Discussion ensued on various concerns and issues that could develop, with Supervisor Wilson acknowledging that in his experience "everything you imagine could happen seems to happen somewhere

across the County.” But he acknowledged that he felt the change to the amendment would be beneficial. Chairman Kunasek said that the Board’s goal is to improve things but if mistakes are made, the matter can always be revisited.

~ Supervisor Wilcox returned to the meeting ~

Motion to concur with the recommendation of the Planning Commission for approval by Supervisor Stapley, seconded by Supervisor Wilcox.

Ayes: Kunasek, Brock, Stapley, Wilson, Wilcox

TEXT AMENDMENT - TA2011011 - CONTINUING EXISTING USES

Case Number: TA2011011
Supervisory District: All Districts
Applicant: Commission-Initiated
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance regarding Continuing Existing Uses
Commission Action: Recommended approval by a vote of 6-0. The proposed language is: [New language to be added is underscored. Language to be deleted is struck through.] Chapter 13 – Use Regulations Section 1305. Nonconforming Uses Article 1305.1 Continuing Existing Uses: Unless an earlier date is specified in this Ordinance any building or structure that was existing, or any use of land that was lawfully existing, as of January 1, 2000 or as of the effective date of subsequent amendments to this Ordinance may continue even though such use, building or structure does not conform to the regulations of this Ordinance or amendments thereto for the zoning district in which it is located, provided the size, shape and configuration of the parcel remains unchanged since January 1, 2000. Any use of land, building or structure, lawfully existing at the time this Ordinance or amendments thereto become effective, may be continued even though such use does not conform with the regulations of this Ordinance or amendments thereto for the zoning district in which it is located.

(C-44-12-035-7-00)

Darren Gerard said this amendment would change the critical threshold date from 1969 to January 1, 2000 for “legal, non-conforming” or the “grandfather” status of a building, structure or use. There is support for this amendment from the New River–Desert Hills Community Association and Goldfield Concerned Citizens Association. A very high number of letters in support have been received from individuals, and there is no known opposition.

Chairman Kunasek remarked that this amendment will have a positive impact for those citizens who have to prove that permits exist and who have been put in an almost impossible position of having to prove their innocence, since most people do not keep those kinds of records. He said this action would provide a date certain of 2000 and will also provide a good deal of relief to citizens and to staff.

Motion to concur with the recommendation of the Planning Commission for approval by Supervisor Stapley, seconded by Supervisor Wilcox

Ayes: Kunasek, Brock, Stapley, Wilson, Wilcox

MARICOPA COUNTY ZONING ORDINANCE

Chapter 11 – General Regulations

- 1105.1.4. **Collector Streets and Mid-Section Line Roads:** 40 feet from and on both sides of the centerline of all existing or proposed collector streets and mid-section line roads.
- 1105.1.5. **Local Streets:** 25 feet from and on both sides of the centerline of all existing or proposed local streets, except that this requirements shall be increased to **30 feet** for local streets abutting properties in multiple-family residential, commercial and industrial zoning districts.

ARTICLE 1105.2. MEASUREMENT: On any lot wherein a setback line has been established, yards required by the regulations for the zoning district in which such lot is located shall be measured from the setback line. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property. ^{*19}

ARTICLE 1105.3 BUILDINGS AND STRUCTURES: Buildings or structures hereafter erected, altered or relocated shall not be placed within the aforementioned setback lines. The setback line that includes the future right-of-way shall be enforced unless a written report is received from the County Highway Department stating no future street is recommended along the subject setback line on the subject property. ^{*19}

Date of Revisions

*19	Revised 2-6-89		
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SECTION 1106. ACCESSORY BUILDINGS AND USES ^{*17, *22}

ARTICLE 1106.1. CONSTRUCTION AND USE: Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except if specifically approved in a Residential Unit Plan of Development, pursuant to the provisions of Chapter 10, Section 1002., Article 1002.9. or if approved for occupancy by caretakers employed on the premises or if occupied pursuant to a Temporary Use Permit. ^{*27, *29}

ARTICLE 1106.2. LOCATION: Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than **30%** of the required rear yard and shall not be nearer than **three feet** to any side or rear lot line or setback line. Should the accessory building be

MARICOPA COUNTY ZONING ORDINANCE

Chapter 11 – General Regulations

located partially within the required rear yard and partially within the buildable area, that portion within the buildable area shall meet all side yard regulations of the applicable zoning district. In the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than **one half** the depth of the required front yard of the corner lot; and when a garage is entered from an alley, it shall not be located nearer than **ten feet** to the alley line. ^{*11}

ARTICLE 1106.3. LOCATION ON THROUGH LOTS: Accessory buildings on through lots shall be no nearer to either street than a distance equal to the required front yard of such lot.

Date of Revisions			
*11	Revised 3-21-83	*27	Effective 10-10-97
*17	Revised 4-1-85	*29	Effective 5-16-98
*22	Revised 2-26-94		

SECTION 1107. NUMBER OF PRINCIPAL BUILDINGS ON A LOT

Where a lot is located in a multiple family residential, commercial or industrial zoning district, more than **one** principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one principal building on the lot.

SECTION 1108. ADJUSTMENT PERMITTING AN ADDITIONAL DWELLING UNIT

In zoning districts permitting multiple-family dwellings, if an amount of lot area not allocated to a dwelling unit is more than **80%** of that required for one dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

SECTION 1109. ADDITIONAL LOT AREA AND DIMENSION REGULATIONS

ARTICLE 1109.1. PRE-EXISTING NON-CONFORMING LOTS: Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area or width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of this Ordinance are complied with.

Catherine Lorbeer

From: Frank Engstrom [REDACTED]
Sent: Thursday, June 19, 2014 12:21 PM
To: Catherine Lorbeer
Cc: Linda Edwards
Subject: Re: AP14-01 Hill Stables

Categories: Board of Adjustment

To Catherine Lorbeer, Planner, City of Gilbert P&Z, regarding the enforcement action against the property of Jane Hill.

Please share my comments on the above titled action with the entire board as I am unable to attend the scheduled hearing on July 2nd due to out of town travel.

I am a resident of Gilbert Country Acres, a development originally created under the laws and rules of Maricopa County. My home front view is to the property of the complainant. We (the neighborhood) annexed into Gilbert partly because we thought it a good idea to become part of our immediate community, and partly because we were being forced to, by high pressure from the town over the issue of Fire Protection at the time. In order to persuade the residents to take this action many promises were made by various officials of Gilbert that the rules governing our neighborhood would carry over with the intent of having little or no change to our country lifestyle. Most of us moved to this area because of over- technical, tight interpretations of rules common to HOA communities in our area. That means that we live in an environment where we understand the minor variations that occur as a natural consequence of people living near one another. We have an open lifestyle which means we can see our neighbors. We know one-another, and we don't have walls up around our properties. We don't complain about our neighbors unless something really egregious occurs.

Jane Hill (and her husband until his death a few years ago) have lived here with no issues for decades! She has always had some horses on her property and the facilities she has have been there, unchanged except for minor repairs, for all of that time. Now, a fairly recent new resident has taken it upon herself to complain about the presence of horses (and just about everything else she sees) using a highly restrictive interpretation of the town's rules to try to stop Jane from her low-impact lifestyle. She has even erected a 7 FT high block fence all along one side of her property so she wouldn't have to look at her neighbor's house to the North. She even wanted that wall to reach all the way to the street edge and was very upset when the rules wouldn't allow that! She has had more rules violations in the short time she has lived here than the rest of the street combined. But, because of our "live and let live" lifestyle, we have not filed any complaints about her.

We certainly all understand that if someone were to create a bustling stable here with constant comings and goings, that that would be disruptive to all our lives and that's the reason for the rule against commercial stables. To include Jane Hill's home in that interpretation is a gross over application of that rule! If that interpretation were applied widely (which it is NOT!) nearly every home with horses could be swept up by it! I feel confident that if a survey were taken of homes with horses in the town area, greater than 8 of 10 would have at least one horse that doesn't belong to the owners. That cannot be the criteria for determining commercial use! Using it here, on only Jane Hill's situation, would certainly be considered selective enforcement!

Also, to address the issue of a sign for services that was posted: The sign was pinned up briefly by a teenager who Jane had temporarily allowed to keep her horse on the property. The same teenager kept her horse on our property as well for a short time. The teenager was merely trying to make a little hobby money between school dates! As soon as Jane realized it was there, she asked the teenager to remove it. That is barely more commercial than a "yard sale" sign and to suggest otherwise is ridiculous!

In conclusion, I vehemently oppose this overly strict interpretation of the commercial use rule and recommend that the commission reverse the earlier decision. Please don't allow a neighborhood troublemaker to ruin the life of a calm, otherwise happy neighborhood.

Sincerely,

Frank Engstrom



Gilbert

Catherine Lorbeer

From: Jim Lair <[REDACTED]>
Sent: Saturday, June 21, 2014 9:33 AM
To: Catherine Lorbeer
Cc: medeason@aol.com
Subject: AP 14-01 Hill Stables

Categories: Board of Adjustment

I support the Hill Stables!! The person complaining should have thought about having horses nearby when buying their property in an area that allows horses. It is like people buying near an airport then complaining about aircraft noise, not too smart.

Jim Lair

[REDACTED]
Gilbert Country Acres

Catherine Lorbeer

From: Mary [REDACTED]
Sent: Wednesday, July 02, 2014 2:10 PM
To: Catherine Lorbeer
Subject: AP 14-01 Hill Stables
Attachments: Zoning email.odt

Categories: Board of Adjustment

To Catherine Lorbeer, Planner, Town of Gilbert P&Z, regarding the AP14-01(HILL STABLES) APPEAL OF THE ZONING ADMINISTRATOR'S ZONING INTERPRETATION REGARDING THE LOCATION AND USE OF A STABLE ON PROPERTY LOCATED AT 2604 E. WASHINGTON AVENUE AND ZONED SINGLE FAMILY43 (SF43) ZONING DISTRICT

As we understood it before we moved in, Gilbert Country Acres was developed and zoned as residential with horse privileges. Horses could be kept or maintained for the enjoyment of the owners and their invited guest. Nothing was said that the horses on the property must belong to the residents.

We have lived in Gilbert Country Acres since the end of 1984 and have known Jane Hill since she moved into the neighborhood in early 1985. At no time has she herself run a "commercial boarding stable". There was a time when a couple of young people, who were having a difficult time in their lives, did try to better themselves by working with horses. The young man, not knowing that running a business, advertising his work, etc was not allowed, did so. This was immediately corrected by Jane Hill and the horses in questions were removed. At no time was Jane Hill a part of this "business", she didn't interact with the horses at all.

When searching for the meaning of a "commercial stable" it generally means a place which may be used for a commercial riding stable open to the general public; training (lessons) involving large groups of students etc. There never has been any traffic issues. As mention above, except for the one instance, this type of activity has never been done on Jane Hill's property.

Most of the residents of our development have moved here to enjoy the large open lots and the country style of life – enjoying the ability to have horses, cows, goats, chickens, etc or, if they don't own animals, they enjoy seeing their neighbor's livestock. It is a thrill to have families drive/bike through our neighborhood and stop and ask to pet the horses and show their children a little bit of country life.

As far as sharing our acreage with friends, it just is something our friendly neighbors do. Those who have pastures that aren't in use might allow someone to keep their horses, cows, etc there – it might be a case where the animals needed to be moved from a place that was unsafe or was shutting down or it might be they just need their animals to be closer to them. Not only does the owner of the property get to enjoy seeing the animals, but it helps maintain the lot by keeping the grass "cut". I have used other properties in our neighborhood when I needed to have pasture 24/7 for one or more of my horses or needed to place my horse in a stall somewhere else in the neighborhood when separating a foal from its mom. You will find this equine-friendly attitude in most of your horse property neighborhoods and we would hope that the Town of Gilbert would like to maintain the small town country lifestyle that has been here in the past.

We are glad to see the recommendation to allow the stalls as legal, non-comforming uses and structures. Having ridden in the pasture area before Jane Hill moved in, I know that they were there originally.

In closing we would hope that any complaints presented to the Town have been proven to be unfounded. One person should not be allowed to keep the neighbors of this community from enjoying the lifestyle that we have had for 30 plus years.

Sincerely,

Paul and Mary Deason

1-2-14

To whom it may concern

We reside in Gilbert County Acres. And have lived there for almost fourteen years. Even before we were annexed into the Town. We whole heartedly support and pray town council will honor the grandfather clause and that all will be resolved in Jane Hill's favor. Her property and structures have remained the same since we moved to Gilbert County Acres with no changes or additions. We only ask if you were in Jane Hill's position that you do make the right decision.

Gilbert County Acres is a peaceful community where all share the love of horses and animals. And we only ask what you as council members would want? So please vote in Jane Hill's favor and give this poor woman peace.

Thank You.

Sincerely,

Larry & Marilyn Jones, Jane Ellis
(daughter)

Lori Greco

Gilbert, AZ 85234

July 29, 2014

Board of Adjustment
Town of Gilbert
c/o Catherine Lorbeer
90 E. Civic Center Drive
Gilbert, Arizona 85296

RE: Case No.: AP14-01
Zoning Interpretation – Use of Stables Located at 2604 E. Washington Avenue, Gilbert, Arizona

Dear Members of the Board of Adjustment:

This letter is in response to the appeal to the Town's Board of Adjustment regarding the property located at 2604 E. Washington Avenue (the "Site") in Case No. AP14-01. A current aerial of the Site is attached as **Exhibit 1**. The purpose of this letter is to support the determination made by the Zoning Administrator ("ZA") concerning the commercial activities taking place on the Site and compliance with the Town of Gilbert's (the "Town") Land Development Code requirements for setbacks.

Stables, Commercial

It is unquestionable that the Site's size (approximately 1.03 ac.) and zoning (SF-43) does not permit commercial stables. "Stables, Commercial" are only permitted in the SF-43 zoning district with a Use Permit on property that is a minimum of 10 acres and where any **structure** housing animals is set back at least 100 feet from all property lines.¹ It is also unquestionable that the Site's owner has permitted a commercial business to operate on the Site under the name "Young Gun Stables." Young Gun Stables has been advertised on FaceBook, Craigslist, and various horse training sites as a small, family oriented, place for horseback riding lessons. Attached as **Exhibit 2** are various webpages advertising the commercial operation.

The appeal filed by the Site's owner (the "Appellant") admits that horses are boarded on the Site "for friends" and that there is no "profit to her from boarding horses." "She [boards horses] out of friendship and because she likes having horses around, not as a commercial endeavor." This admission is contrary to the requirements of the Town's Land Development Code (LDC), which permits only residential stables on the Site. The Town's LDC permits "Stables, Residential" where the horses, mules, and ponies are "**owned by the occupants of the premises and not offered for compensation.**" By her own admission, boarding horses that she does not own, the activities on the Site do not meet the requirements for "Stables, Residential" and the ZA's determination should be upheld.

Additionally, the Appellant's appeal mistakenly believes that the ZA's determination and this Board's decision should turn on the definition of "commercial." The appeal concludes that an activity can only be considered "commercial" if it is a "profit making venture" and that, "there is no profit or earning of

¹ Before the Site was annexed into the Town in 2006, the Site was subject to the Maricopa County Zoning Ordinance ("MCZO"). At that time, the MCZO prohibited public riding and boarding stables for property that was zoned Rural-43, which the Site was. Corrals were permitted, but they were only allowed for personal use. See MCZO Articles 503.2 and 501.2(16).

money in this instance.” Such analysis is mistaken in that there are countless activities or businesses that would be considered “commercial” that do not earn a profit or earn any money. Although the Appellant might not make a profit or earn any money, it is unquestionable that those that she has allowed to operate on the Site did and does not change the fact that she has permitted a commercial operation to take place in violation of the Town’s LDC. Again, the ZA’s determination that Stable, Commercial is not permitted should be upheld.

Location of Stables, Residential

In addition to ZA’s determination concerning commercial activities, we also request that this Board uphold the ZA’s determination that the location of the accessory structures and fenced corral areas must be located at least 20 feet from all property lines as provided for under LDC Section 2.107.D. Staff’s Report to the Board recommends that the Board overturn the ZA’s determination that the location of the accessory structures and fenced area be 20 feet from the property line and instead find them to be a legal, non-conforming structure and/or use. Contrary to Staff’s recommendation, a review of the historical aerials and the Maricopa County Zoning Ordinance clearly shows that the Stables (defined below) are **not** a legal, non-conforming structure or use and at a minimum must comply with the provisions of the Town’s LDC for Stables, Residential.

The LDC in §4.602(A) defines a **non-conforming use** as, “A use that is lawfully being conducted in a structure or on a lot or parcel on the effective date of the Zoning Code, or the effective date of amendments to the Zoning Code, but does not conform with the regulations for the district in which it is located.” Section 4.602(C) defines a **non-conforming structure** as, “A structure that was lawfully constructed under the provisions of the Zoning Code or regulations of the district in effect at the time of construction.”

The Site was annexed into the Town on May 9, 2006. Attached as **Exhibit 3** is a historical aerial taken on February 1, 2006 and another on October 31, 2006 that clearly identifies the conditions of the Site at the time of annexation. These aerials demonstrate that at the time of annexation, there was an open air accessory structure on the north (adjacent to an existing building) and two stables along the Site’s eastern property line (the “Eastern Stables”) (collectively the open air accessory structure and Eastern Stables are referred to as, “Stables”). Before annexation, it is unquestionable that the Stables needed to comply with the requirements of the Maricopa County Zoning Ordinance (“MCZO”), which they did not.

Before annexation the Site was zoned Rural-43. The setback requirements in Rural-43 were: Front—40 feet; Side—30 feet; and Rear—40 feet. The MCZO in Section 1106 only allowed detached Accessory Buildings (like the Stables on the Site) to be built in the required Rear Yard Setback. Within the required Rear Yard Setback, an Accessory Building could not occupy more than 30% of the required rear yard and could be setback a minimum of 3 feet from a side or rear property line (MCZO Article 1106.2). If the Accessory Building was partially located within the Rear Yard and Side Yard Setbacks, that portion of the Accessory Building within the side yard had to meet the Side Yard Setback requirement, which means that it had to be setback a minimum of 30 feet. Attached as **Exhibit 4** is basic diagram that illustrates the setback requirements for an Accessory Building within a Rural-43 zoning district. Attached as **Exhibit 5** is an aerial of the Site with an outline of the required setback requirements for the Stables (an Accessory Building). As is clearly evident, the Stables did not satisfy the MCZO required setbacks and cannot be considered a legal, non-conforming structure.

In addition to the Accessory Building setback requirements, the Appellant was required to obtain a building permit and zoning clearance (MCZO Article 1504.5). A review of the Maricopa County records does not show that a building permit or zoning clearance was ever obtained. Accordingly, without a building permit or zoning clearance and given that the Stables do not meet the required Side Yard Setbacks, they cannot be considered a legal, non-conforming structure. A similar conclusion was

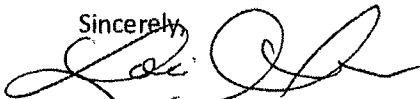
reached by the ZA at the time the determination was made and by Neighborhood Code Enforcement when a Code Compliance notice was issued. Attached as **Exhibit 6** is the Code Compliance notice.

In addition, the present use of the Stables is not a legal, non-conforming use. Subsequent to the annexation, the Site existed in the same or similar condition that it had at the time of annexation. Attached as **Exhibit 7** are historical aerials taken in 2007, 2008, and 2009. Sometime in 2010, the use of the open air accessory structure changed. Attached as **Exhibit 8** is a historical aerial taken on October 3, 2010. As that aerial demonstrates, additional fencing was added south of the open air accessory structure. The additional fencing that was added cannot be considered "temporary," as it is welded together and secured with concrete foundations. This additional fencing changed and intensified the use of this structure from an open air accessory structure to a Stable as defined under the LDC, where horses can be kept, boarded, fed, and maintained. This material change in the use of this accessory structure eliminated any potential legal, non-conforming use that it might have had at the time of annexation and requires it to satisfy the applicable Town requirements.

Although we are respectful of Staff's recommendation concerning the legal, non-conforming nature of the Stables, Staff's report and recommendation fail to appropriately and adequately address the illegality of the Stables construction and use before the Site was annexed into the Town. Staff's recommendation on this issue has the unintended consequence of infringing upon our rights to enjoy our property and have the same protection as everybody else, including those properties that were annexed into the Town with legal, non-conforming structures/uses, and gives the Appellant greater rights than was permitted by the MCZO.

Because the Stables (i) did not and could not meet the County's requirements for Accessory Building setbacks and obtaining a building permit and zoning clearance before annexation and (ii) subsequent change and intensification of the use (open air structures to enclosed Stables) in 2010, the Stables cannot be considered a legal, non-conforming structure or use and the ZA's determination that the LDC's setback requirements apply must be upheld. Please support the ZA determination on April 9, 2014 and Code Compliance determination on October 29, 2013 (Case ID: CCD-2013-03241) ordering cessation of boarding activities and modification to the stables to bring them into compliance with current code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Greco', written over the word 'Sincerely,'.

Lori Greco

Exhibit 1



Exhibit 2



Young Gun Stables

Q

27

Home Find Friends Log Out



Young Gun Stables About

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About

"Young Gun" Stables is a small, family oriented, equine facility located in Gilbert, Arizona. Offering individualized horseback riding lessons to all ages and experience levels.

Description

-Major discipline based in Trail Riding. Minor disciplines in Competitive Trail Competition and Endurance Racing as well-

Founded in the recent months of 2013, Young Gun Stables is a small, individualized, and family oriented equestrian facility geared towards the introduction of those interested in becoming familiar and comfortable in any aspect of the horse industry. Lessons are offered on a variety of horses, ranging in all experience levels, to meet the desired goals of the trainee on a progressive schedule. Lessons are given individually by the founder and operator, Austyn Henretta, allowing a relationship to form between horse, trainer, and trainee as it should be.

Lessons include; horse and rider safety, grooming, ride preparations, posture/control in saddle, horse and tack vocabulary, riders etiquette, basic ground work, etc.. More advanced trainee's will have opportunities to group trail ride and learn the basics of beginning stage horse breaking.

A new and aspiring neighborhood business, "Young Gun" Stables would like to extend a heart filled thank you to those who play a role in bringing this dream to life aside a warm welcome to those who wish to join our growing family.

Basic Info

Joined
Facebook

06/05/2013

Location

Greenfield Rd and Eliot Rd, Gilbert, Arizona 85234

Hours

Mon - Fri: 6:00 am - 11:00 am, 4:00 pm - 9:00 pm
Sat: 6:00 am - 9:00 pm

Parking

Street

Contact Info

Phone

(602) 615-4123

Email

AustynHenretta@gmail.com

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Austyn Henretta

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Opulent Peacock Pillow

onekinglane.com

Accent your home w/ the teal plume of feathers on this chic pillow - now at One Kings Lane



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Posted: 2013-08-19, 10:45PM MST

***Horseback Riding Lessons* Low Rates, Individualized, Family Oriented (Gilbert)**



Founded in the recent months of 2013, Young Gun Stables is a small, individualized, and family oriented equestrian facility geared towards the introduction of those interested in becoming familiar and comfortable in any aspect of the horse industry. Lessons are offered on a variety of horses, ranging in all experience levels, to meet the desired goals of the trainee on a progressive schedule. Lessons are given individually allowing a relationship to form between horse, trainer, and trainee as it should be.

Lessons include; horse and rider safety, grooming, ride preparations, posture/control in saddle, horse and tack vocabulary, riders etiquette, basic ground work, etc. More advanced trainees will have opportunities to group trail ride and learn the basics of beginning stage horse breaking.

Rates include \$150 for 6 one hour long lessons.

Horse leasing is also available.

Helmet and Tack supplied, but personal tack is welcome.

Locked tack room if interested in leaving equipment at facility.

Please contact Austyn with any questions.

References upon request

(602) 615 - 412three

Facebook.com/YoungGunStables

- Location: Gilbert
- it's NOT ok to contact this poster with services or other commercial interests

Posting ID 4013342370 Posted 2013-08-19, 10:45PM MST Updated 2013-09-02, 8:58PM MST [contact friend](#)

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[Posted](#) 2013-06-09, 2:13PM MST

ANZIO, dapple grey Arabian for Lease - \$150 (Greenfield & Elliot)



Anzio is a 5 year old, Registered Purebred Arabian gelding. Dapple grey approximately 15 and a half hands tall.

Anzio is very relaxed, easy going on and off saddle, focused on those around him and sensitive to the commands of rider. Impossible to spook. He is very well rounded in all basic understandings of different disciplines, but has been working mostly as western trail horse over the past year. Anzio loves blazing the trails of the Riparian Preserve located less than a quarter mile from the training facility and has potential to go far as an endurance horse for those long treks through the Maricopa Valley via power line and canal. Great minded, eager to learn new riders and their tricks. He is a great starter horse whether you are a beginner just trying to get incorporated into the equine industry or are more experienced and desire to just escape the day to day complications of your life atop a saddle, reigns in hand. Barefooted with no health complications. Anzio grooms, saddles, rides comfortably and smoothly anywhere and in any discipline, hitches, clips, ties, and trailers without a problem. Asking \$150 a month for partial lease includes 2-3 rides a week, or \$200 for a full lease includes 4-5 rides a week.

* Lessons are also available on site at Young Gun Stables. All lessons are individualized and are taught by very skilled and knowledgeable horse trainers on-site. Lesson passes include 6-1 hour lesson passes for \$150. You can also do a combination of lessons and lease agreement. All tack and riding helmet are provided.

Located in the east valley, Gilbert

Contact Austyn Henretta

(602)615-412three

Please leave a voice mail, I will return your call as soon as possible.

- Location: Greenfield & Elliot
- it's NOT ok to contact this poster with services or other commercial interests

[Posting ID:](#) 3860071733 [Posted:](#) 2013-06-09, 2:13PM MST [Updated:](#) 2013-07-06 5:12PM MST [email to a friend](#)

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Horse training, excersising (Queen creek power/hunthwy)



Horse Training Queen Creek, AZ
My name is 'Boots' Kaylee Barnhill

I have been around horses more than half my life, I have a history in almost every style of riding. Worked at a Dressage Arabian Farm 'AM Sunset Farms' Then started training and giving family horseback Lessons at 'Young Gun Stables'. Soon after I moved to a Full time Horse training position 12 horses between 2 stables. Nevertheless I am currently working and living at a private facility with Sorting horses in Queen Creek.

I don't just work with your horse I work with you and your horse's communication. Teaching you how improve your communication will naturally enhance your bond with your horse. Here is a video of the most recent horse I trained and sold.
<http://youtu.be/SrC4C3g-Y0g>

I will travel to your facility. Distance determined.

Price is paid in session but always Reasonable and Negotiable

If you have question please ask!
Thank you for your time

-Boots 'Kaylee' Barnhill
Upon contacting me please give me a debriefing on your horse, age, breed, Behavior, etc.
Text/ Call/ Email
480-678-0358

- Location: Queen creek power/hunthwy
- it's NOT ok to contact this poster with services or other commercial interests

Posting ID: 3957303661 Posted: 2013-07-24, 2:17PM MST [show details](#)

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Use the close proximity of
the school to advertise
riding lesson when
parents pick up their
children from Greenfield
Elementary school on
Poinciana Road.



g Gun Stables

Y Yahoo

Close



Tammi Brewster

Just curious, do you host children's birthday parties?

Chelsey L. likes this

Top Commenter



Young Gun Stables Please contact the stable at (602) 615-4133 to address any party plans or information on our Birthday Party Package.

Liz Reply



Young Gun Stables I apologize for the late response. Yes and would love to have you come out and discuss details further.

Liz Reply



Exhibit 3





Date: 2/1/2006
Pixel Size: 10m
Title: 755855

Exhibit 4

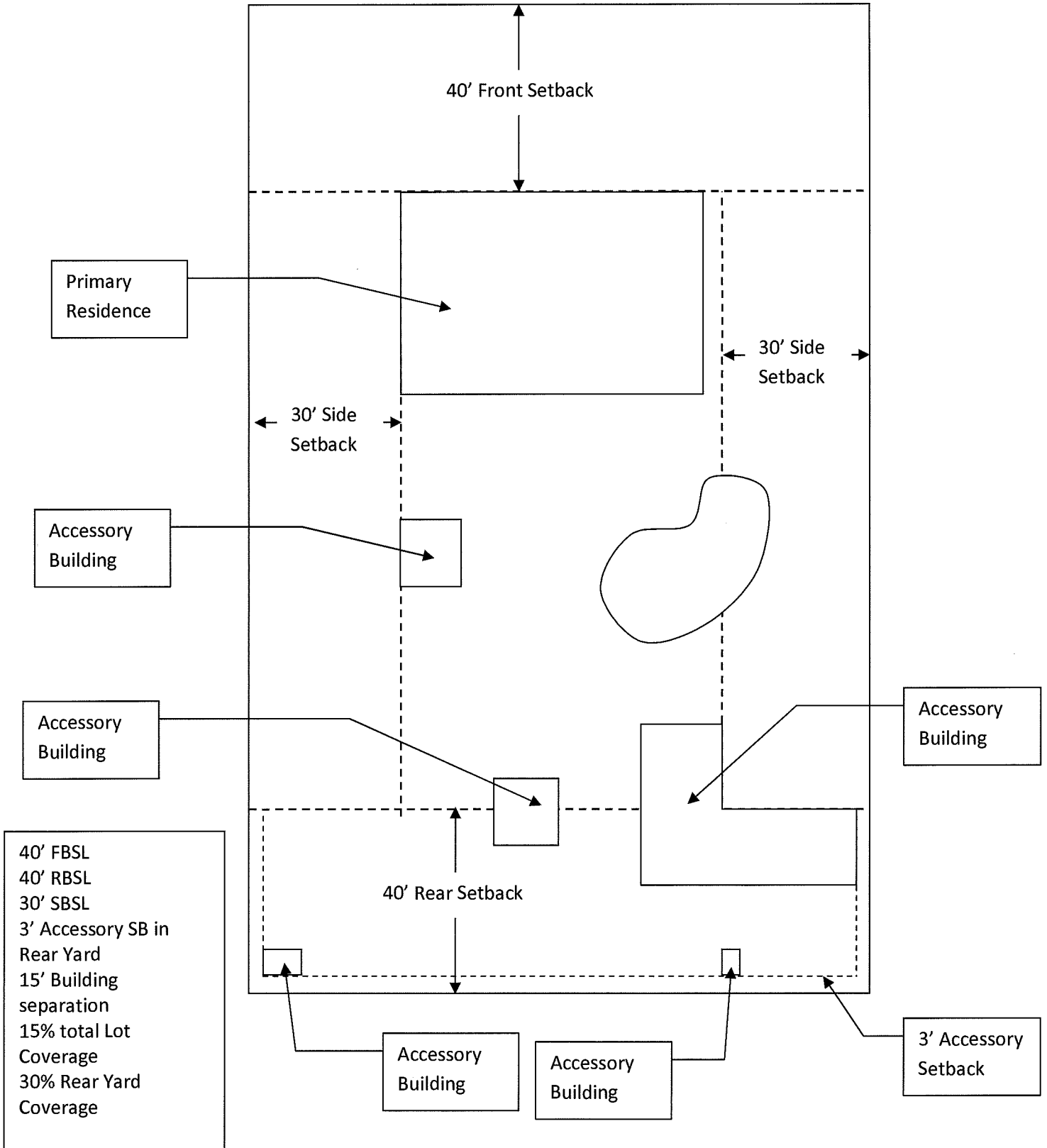


Exhibit 5



Exhibit 6



October 29, 2013

Jane Hill
2604 E. Washington Ave
Gilbert, AZ 85234

Case ID: CCD-2013-03241

Property: 2604 E Washington Ave. Gilbert, AZ

| Issue: Horse boarding, commercial use of property, location of stables.

Dear Ms. Hill:

Since there has not been any success in contacting you in person this letter is a final notice concerning issues pertaining to a complaint. After extensive investigation of your property with observations, photos, aerial maps and county records horse boarding and a commercial business of horse training has been observed which is not allowed on your property at 2604 E Washington Ave. in Gilbert, Arizona. This type of usage is a prohibited use in the Gilbert Land Development Code:

2.103 Land Use Regulations

A. Regulations. Table 2.103: Land Use Regulations – Single Family Residential Districts sets forth the land use regulations for single family residential districts

C. Prohibited Uses. Uses not listed in Table 2.103: Land Use Regulations – Single Family Residential Districts below or not assigned to a Use Definition pursuant to Section 2.103B: Unlisted Uses are prohibited.
See enclosed graph

In addition to the illegal use of the property, the stables located on the east side of the barn have been modified since the annexation of the property and need to comply with the following regulations as does the stable area below the shade canopy along the east property line. I have copied the appropriate code section below.

2.107 Additional Use Regulations A. 2

D. Stables, non-commercial. Any structure housing animals is an accessory structure subject to the requirements of Section 2.106B: Accessory Structures, except that such structure shall be set back at least 20 feet from all property lines.



Stables need to be moved 20 feet back from property line.

I also want to remind you of the livestock requirements relative to the number of animals allowed on your property.

LDC Section 2.107 Additional Use Regulations A. 2

Livestock Large and small livestock animals are permitted on lots of 15,000 net square feet and larger. The number of livestock are determined as follows:

- a. One large livestock animal is permitted for each 10,000 square feet of net lot area.
- b. One small livestock animal is permitted for each 5,000 square feet of net lot area.
- c. Where both large and small livestock animals are kept, the minimum required lot area shall be cumulative.

The Maricopa County Assessors shows your property is currently 44,666 square feet. According to the code, the maximum allowable large livestock animals on your property should be no greater than four (4) large animals or three (3) large animals and three (3) small animals.

All horse boarding and commercial business activities needs to cease on or about November 18, 2013 to ensure compliance. The stable modification will also need to be addressed in that period of time.

If you have any questions or need additional information regarding this matter, please call me at 480-503-6710.

Thank you for your cooperation. Sincerely,

Karen Coats
Code Compliance, Inspector I
Town of Gilbert

All the codes can be found at the following:
<http://www.gilbertaz.gov/planning/ldc.cfm>
Gilbert Land Development Code

Exhibit 7



Date: 11/22/07
Pixel Size: 1m
Time: 12:00:00



Click here to switch between the different years of aerial photography.

Maricopa County GIS Home Historical Aerial Photography Maricopa County Assessor's Office Google Search Map Layers Settings Print Full Screen

Exhibit 8

